
Costs Decision

Site visit made on 7 July 2022

by Mr M Brooker DipTP MRTPI

kenwood dnx4150dab appointed by the Secretary of State

Decision date: 9th August 2022

Costs application in relation to Appeal Ref: APP/R5510/D/22/3296373 50 St. Martins Approach, Ruislip

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs W James for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the refusal of planning permission for a detached annexe for an elderly relative.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. It is the applicant's case that the Council acted unreasonably in the determination of the application and failed to assess the application as an annexe to the main dwelling, "pre-determining that the outbuilding would be used as a separate dwelling".
4. However, the Officer's report clearly acknowledges the application as being for an annex and following a reasonable consideration of the issues, concludes that on the basis of the size of the building and the facilities contained therein "the annexe is capable of being used independently from the main house".
5. Furthermore, clear reference is made to established case law in the determination of the application.
6. Therefore, on the basis of the evidence before me I am satisfied that unreasonable behaviour resulting in the appellant incurring unnecessary or wasted expense has not been demonstrated and the application for the award of costs is refused.

Mark Brooker

INSPECTOR